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4 IN THE UNITED STATES DISTRICT COURT  
5 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
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9 AMERICAN HOMES 4 RENT PROPERTIES  
10 ONE, LLC,

No. C 13-2694 SI

11 Plaintiff,

12 v.

13 LYSSETT M. REYES, et al.,

14 Defendants.  
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**ORDER ADOPTING REPORT AND  
RECOMMENDATION AND  
REMANDING CASE TO THE SUPERIOR  
COURT FOR THE COUNTY OF  
CONTRA COSTA**

17 On June 12, 2013, *pro se* defendant Lysette M. Reyes removed this unlawful detainer action  
18 from state court. Magistrate Judge Spero ordered defendant to show cause why the case should not be  
19 remanded for lack of federal jurisdiction. Plaintiff also filed a motion to remand. On July 12, 2013,  
20 Judge Spero held a hearing on the order to show cause and plaintiff's motion to remand. Defendant did  
21 not appear nor has defendant filed any opposition to plaintiff's motion to remand.

22 On July 12, 2013, Judge Spero issued a Report and Recommendation re: Order to Show Cause  
23 and Motion to Remand. The Report and Recommendation finds that there is no jurisdiction because  
24 there are no federal claims alleged in the unlawful detainer complaint and there is no basis for diversity  
25 jurisdiction. It also finds that attorneys' fees and costs are not appropriate. The Report and  
26 Recommendation was served on defendant by mail. No objections to the Report and Recommendation  
27 were filed by the July 26, 2013 deadline. This case was reassigned to the undersigned judge.

28 The Court has reviewed the Notice of Removal and Judge Spero's Report and Recommendation,  
and concludes that removal was improper and that this Court lacks jurisdiction for the reasons stated

1 in the Report and Recommendation. The Court also finds that attorneys' fees and costs are not  
2 appropriate for the reasons stated. Accordingly, the Court ADOPTS the Report and Recommendation  
3 and REMANDS this case to the Superior Court for the County of Contra Costa.

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5 **IT IS SO ORDERED.**

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7 Dated: July 30, 2013



8 SUSAN ILLSTON  
9 United States District Judge  
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